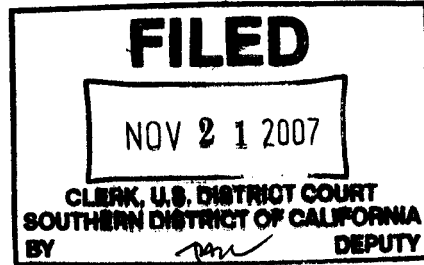


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8941

UNITED STATES OF AMERICA,) MAGISTRATE CASE No: _____
)
 Plaintiff,) COMPLAINT FOR VIOLATION OF
 v.) 8 U.S.C. § 1324(a)(2)(B)(iii)
) Bringing In Illegal Aliens
 James Michael DUKE (1),) Without Presentation (Felony)
)
 Alicia Nicole DUKE (2),) 18 U.S.C. § 2 Aiding & Abetting
)
 Defendants.)

The undersigned complainant, being duly sworn, states:

That on November 20, 2007, within the Southern District of California, defendant James Michael DUKE and Alicia Nicole DUKE, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that one alien, namely, Faustino JIMENEZ De La Cruz, had not received prior official authorization to come to, enter and remain in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to a Customs Border Protection Officer at the designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii) and Title 18 and United States Code, Section 2 Aiding and Abetting.

And the complainant states that this complaint is based on the attached Statement of facts, which is incorporated herein by reference.

Figueroa
 Izabel Figueroa, CBP
 Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY
 OF NOVEMBER 2007.

[Signature]
 PETER C. LEWIS
 U.S. MAGISTRATE JUDGE

1
2
3 UNITED STATES OF AMERICA

4 v.

James Michael DUKE (1)

Alicia Nicole DUKE (2)

5 **STATEMENT OF FACTS**

6 The complainant states that this complaint is based upon
7 the reports of the apprehending officers and the investigation
8 conducted by United States Customs & Border Protection
9 Enforcement Officer Gustavo Barreto.

10 On November 20, 2007, at approximately 02:35 A.M., driver,
11 James Michael DUKE and passenger Alicia Nicole DUKE arrived at
12 the Calexico, California, West Port of Entry, in a green 1994
13 Mercury Villager.

14 During the primary inspection, James Michael DUKE gave a
15 negative Customs declaration to the primary United States
16 Customs and Border Protection Officer (CBPO) Javier Martinez.
17 CBPO Martinez stated that he noticed James Michael DUKE was
18 carrying no luggage. CBPO Martinez noticed that James Michael
19 DUKE was very talkative. CBPO Martinez tapped the side panel of
20 the vehicle and received a hard solid sound. At that time CBPO
21 Martinez opted to escort the vehicle to the vehicle secondary
22 lot.

23 In secondary inspection United States Customs and Border
24 Protection Officer(CBPO) Jesus Esparza approached James Michael
25 DUKE in which he received a negative Customs declaration. CBPO
26 Esparza proceeded to conduct his inspection, and removed an
27 ashtray that was on the rear driver's side of the vehicle. CBPO
28 Esparza noticed what appeared to be black jeans. CBPO Esparza

1 realized that he had discovered an undocumented alien, later
2 identified as Faustino JIMENEZ De La Cruz. Faustino JIMENEZ De
3 La Cruz was removed from the vehicle. Faustino JIMENEZ De La
4 Cruz, and James Michael DUKE and Alicia Nicole Duke were taken
5 to the Port Enforcement Team for further disposition.

6 James Michael Duke and Alicia Nicole Duke were placed under
7 arrest and advised of their rights per Miranda in the English
8 language by United States Customs and Border Protection
9 Enforcement Officer (CBPOE) Gustavo Barreto and witnessed by
10 CBPOE Izabel Figueroa. James Michael DUKE and Alicia Nicole DUKE
11 stated that they understood their rights and would answer
12 questions without an attorney present.

13 James Michael DUKE admitted he was aware the vehicle he was
14 driving had a person concealed on the side panel of the vehicle.
15 James Michael DUKE stated he was approached by a person while he
16 was in a homeless shelter in San Diego. James Michael DUKE
17 stated that the person asked him if he wanted to bring a vehicle
18 across the border into the United States. James Michael DUKE
19 stated that he agreed and that he was going to pay some unknown
20 amount to bring the vehicle into the United States. James
21 Michael DUKE also stated he was going to drop off the
22 undocumented alien a few blocks after he crossed the border into
23 Calexico, CA.

24 Alicia Nicole DUKE stated that she and her husband James
25 Michael Duke were approached by a lady while they were in a
26 homeless shelter in San Diego. Alicia Nicole DUKE stated that
27 the lady offered her and her husband \$700 to cross a vehicle in
28 the United States from Mexico. Alicia Nicole DUKE stated she and

1 her husband had agreed to cross the vehicle. Alicia Nicole DUKE
2 also stated that they were going to drop off the vehicle a few
3 blocks after crossing into the United States.

4 Material Witness Faustino JIMENEZ De La Cruz stated that he
5 is a citizen and national of Mexico with no legal entry
6 documents to enter, reside or pass through the United States.
7 JIMENEZ De La Cruz stated that he was approached by a man at the
8 Mexicali Bus Depot. JIMENEZ De La Cruz stated that the man
9 offered to cross him into the United States for \$4,000.00.
10 JIMENEZ De La Cruz agreed and was taken to a Motel in Mexicali
11 where he was to be placed inside the vehicle. JIMENEZ De La Cruz
12 stated he was going to pay \$4000 to be crossed into the United
13 States and that his final destination was to be Los Angeles, CA
14 where he was to seek employment and resume residence of five
15 years. When presented with a photo line-up JIMENEZ De La Cruz
16 was unable to identify James Michael DUKE and Alicia Nicole
17 DUKE.

18 Material Witness:

19 Name	Country of Birth
20 Faustino JIMENEZ De La Cruz	MEXICO

21 Further, the complainant states that he believes said alien
22 is a citizen of a country other than the United States; that
23 said alien has admitted that he is deportable; that his
24 testimony is material, that it is impracticable to secure his
25 attendance at the trial by subpoena; and he is a material
26 witness in relation to this criminal charge and should be held
27 or admitted to bail pursuant to Title 18, United States Code,
28 Section 3144.